

TOQUERVILLE CITY COUNCIL MINUTES

6:00pm Work Meeting, 7:00pm Regular Meeting

Thursday February 12, 2015

Held at 212 N. Toquerville Blvd, Toquerville Utah

ATTENDING: Mayor M. Darrin LeFevre, Council (CC) members: Mark Fahrenkamp, Daren Cottam, Paul Heideman, and Brad Langston (arrived at 6:17 pm), Ty Bringham (arrived at 6:20 pm); Planning Commission (PC) Chair Keen Ellsworth, Staff and Zoning Administer Mike Vercimak, Recorder Renee Garner, Treasurer June Jeffery, Public Works/ Maintenance Lance Gubler, ACSSD (Sewer) Representative Blair Gubler, Others: Tom Harmon, and Manning Butterworth.

6:13 PM – MAYOR M. DARRIN LEFEVRE CONVENED THE WORK MEETING: Mayor announced Brad and Ty would be late. Karl Rasmussen is excused. Mayor allowed time for signing a Mylar on the Roosendaal simple subdivision. He invited Blair to report first.

2. Sewer Update by Blair Gubler: A) The District approved the Six Falls subdivision outside of Leeds. Septic is available in areas where sewer lines are not provided as long as they meet standards. He mentioned Black Ridge 10 acre lots regarding septic. B) The District sold their goats for the year. C) A project in Hurricane at 600 North is moving forward and the LaVerkin State highway is being redone. Daren C interjected that UDOT also announced work in Hurricane between 300 W to 700 W on State Street. D) Darwin Hall is retiring.

Mayor asked June to report on her findings for full-time employee benefits, expressing his understanding of why Council chose not to go with the State plan but his hope to provide some assistance to City employees so they can afford to purchase their own care. He remarked that the State will not allow the City to provide a Retirement independently from the Federal or State systems.

PRESENTATION: Benefit Review with David Patrick as insurance broker. June stated the current employee budget was projected at \$167,000.00 but will be closer to \$175,000.00 due to raises for water department employees. Council approved a benefit budget at 18% of Payroll which is \$30,000.00, or \$500.00 per employee per month. Since municipalities can't set up their own retirement or 401K savings, she recommended allocating funds so that the employees can set up their own accounts. She suggested we use 50% of the 18%, or 9% at \$250.00 per employee per month. Insurance/investment companies give a better price for packages so she suggested \$100.00 would go to a required benefit as a package for all employees. It would be paid to a short-term/long-term disability plan: \$15.00, optical insurance: \$10.00, and a dental plan at \$75.00. These would be paid directly to insure 100% participation and would be pre-tax payments for the City. \$150.00 would go to each employee and would assist in an IRA, ROTH IRA, or health care purchase at the employee's discretion. She clearly stated that this savings account would not be sponsored by the City because of employee discretion.

Total benefits for full-time employees: \$250 per month per employee. If agreed upon, we will need a resolution to put it into the policy manual with a yearly review. Brad asked Heath if the City was required to provide health benefits. Heath responded that the answer was no for two reasons, we're a governmental entity and exempt, and our number of full-time employees are too few.

The majority of Council agreed it was doable and a good idea. Paul thought it was more than needed but agreed it would be good in principle. Lance remarked that everyone needs insurance.

PRESENTATION: Reclamation Grant Application: June Jeffery reported that the project would improve Hillside Road and Cotton Gin Avenue. We would widen those roads and replace about 1050 feet of pipe. This upgrade would bring lines up to code for water system standards and fire flows. The project would begin in July 2015. A previous Reclamation grant in 2013 allowed us to replace old manual read meters and helped us pinpoint water inefficiencies, allowing us the capability of data logging customer use. The City is requesting a matching grant and expects the total cost to be approximately \$106,241.58.

1. Water/Maintenance Update by Lance Gubler reported: A) drainage ditch on Chaparell to Rim View was completed.

B) Westfield Tank: new vents work well. Tank needs exterior refinish. Paint cost: \$7,000.00, Hoist/Boom: \$3,300.00, sandblasting: \$20,000.00. Sandblasting would give the finish a 30 year life. Double Hypoxy if done in-house would cost \$15,000.00 and last 15 years.

C) Trees at the parks were pruned.

D) Sidewalk trip hazards were discussed. UDOT informed us sidewalks are city's responsibility to repair even if on private property. Heath advised City to write a letter with a time stamped photo and time table requiring the homeowner to repair the sidewalk or we will do it and charge for our work. He also recommended adding pictures from the specifications book showing sidewalks in cross section. E) Drainage into Center Street on East side of Toquerville Blvd from Westfield can be corrected by taking it two more feet to the drop box on Center Street. Volunteers cleaned out the ditch along that area.

F) Youth volunteers removed excessive Willow tree growth at the Center Street City Park.

G) Sheds and storage units were cleaned out thoroughly. New shed erected at City Hall to make room for fire trucks.

H) Fire District is moving a brush truck and ambulance into our City Hall maintenance facility.

I) The new storage unit for flammables meets safety standards.

J) Drug paraphernalia found at the Center Street City Park was reported to the Washington County Sheriff's Department (Sheriff), Lance requested security cameras at the parks. Graffiti and other issues discussed.

K) Other safety issues: Blue Stakes class required by OSHA coming up.

L) Secondary water should start on March 1st. We may start out with limits on usage due to drought conditions.

M) Requested purchase of new water locator, explained current one is five years old.

2-12-15 CC Minutes Continued

3. Staff Report: Administrator Mike Vercimak said that Tom Harmon's expansion of his Bed & Breakfast was approved by PC. Mike asked if Council thought the Conditional Use application fee should be returned to Tom. Mike believed it was an expansion of the current permit.

4. Planning Commission (PC), Update: Chair Keen Ellsworth reported on PC review of the Short-Term Rental ordinance. He recommended that we first pass an amendment to the Land Management Code (LMC), expressly prohibiting them before we pass an ordinance allowing them with conditions, or only allow Bed & Breakfasts where homeowner is present and can personally attend to any nuisance issues that might arise with their guests. Tom Harmon interjected his support of allowing short-term rentals. Daren C voiced his support of allowing them. Heath strongly discouraged allowing them unless the owner is a resident of Toquerville, citing that the City doesn't have the staff to monitor possible violations. He said he'd prefer to see it prohibited in Single Family Residential areas. Lance told us Sergeant Bentley of the Sheriff's department had related his latest experiences with short-term rentals being used as weekend Meth labs and mushroom farms. Mushroom farms cause air-borne spores which damage health. All officers on that call are now being monitored. If the conditions had not been discovered, the home would have been rented again to others who would never have known of the poor health conditions as these spores have no smell.

Keen asked Council's opinion to strengthen wording in the LMC to clearly prohibit before continuing with the current proposed ordinance to allow with conditions. Council agreed that Keen could go forward with that plan.

Mayor closed the work meeting.

7:30 PM - MAYOR M. DARRIN LEFEVRE CONVENED THE REGULAR MEETING: 1. Pledge was led by Council Paul Heideman. Invocation was given by Council Brad Langston. 2. Mayor asked for statements of belief, none given. 3. Mayor called on Council for disclosures or declarations of conflict from agenda, none given.

A. CONSENT AGENDA: 1. and 2. Mayor LeFevre reviewed Consent Agenda and led discussion including the CC meeting minutes of January 8, 15, and 23, 2015, and the January Expenditures. The dates of January 15, and 23, 2015, were not included on the agenda. Heath advised that Council could still approve them. Mayor called for a Motion.

3. **Motion** by Paul Heideman to approve the Consent Agenda including the minutes for January 8, 15, and 23, 2015, and the January Expenditures was second by Mark Fahrenkamp. Mayor asked for comment. None given, he asked for roll call: Brad Langston, Paul Heideman, Ty Bringhurst, Daren Cottam, and Mark Fahrenkamp, all Ayes. Consent Agenda approved.

B. PUBLIC HEARING: Mayor read the agenda item and called for a motion to enter into a public hearing.

Motion by Paul Heideman to move into a public hearing to hear public input on the proposed annexation was second by Mark Fahrenkamp. All agreed unanimously.

1. Public Hearing – Public input and comment is sought regarding the proposed annexation of approximately 3300 acres of property located North by Northeast of Anderson Junction comprised of both private and public land. The proposed annexation is to be known as the Wind Song Annexation. A copy of the Petition for Annexation has been available for inspection and copying at the Toquerville City Hall during normal business hours.

Mayor called on Heath who explained that passing the ordinance tonight would be one of the final steps in the annexation process. The petition was accepted by Council. The City Recorder certified the petition making sure that private ownership percentages are calculated and value of land percentages calculated. The certification was sent to all effected entities. Those entities were given time to make comment or file formal protest against the annexation with the County Boundaries Commission. This was all completed. Planning Commission had their required public hearing. The time given for formal protest has expired. We are now having our public hearing after which the Council may approve the annexation by ordinance. The actual acreage is 3157.96 which include Bureau of Land Management (BLM), State Trust Land (SITLA), and private land. The only response we got was a letter from BLM which indicated that some of the land to be annexed was designated wilderness and they didn't understand our desire to annex it. It was not a formal protest and they did declare BLM a non-participant on the petition, or as neutral because they are not bound by any local, State, or municipal codes. Heath stated the wind farm would not be using the BLM land designated as wilderness unless they petitioned BLM to change that status, which is not part of any known discussion at this time.

Mayor asked for any public comment, hearing none he asked for a motion to close the public hearing

Motion by Paul Heideman to close the public hearing was second by Brad Langston. All agreed unanimously.

C. PUBLIC FORUM: Mayor asked for any further remarks on any subject by the public, but none were given

D. NEW BUSINESS:

1. Item: possible motion regarding proposed annexation of 3157.96 acres of property located North by Northeast of Anderson Junction comprised of both private and public land. Mayor asked for comments from Council. Daren C asked Heath about wind mills on wilderness land. Heath explained the wilderness land was just part of a parcel. We didn't want to break it into islands. Mayor remarked that the original plat was sent to the City Surveyor who had several comments. The plat never came back to him showing those concerns address. Mayor asked Heath if he knew if those problems were met.

2-12-15 CC Minutes Continued

Heath responded that he knew all legal criteria had been met for annexation but not if the surveyor's concerns were met. Heath recommended passing the ordinance subject to surveyor's final review. Mayor called for a motion.

Motion by Brad Langston to approve by ordinance and subject to the surveyor's final review the annexation of 3157.96 acres of property located North by Northeast of Anderson Junction comprised of both private and public land was second by Daren Cottam. Mayor asked for comments. Heath clarified the motion to include the passage by ordinance. Mayor called for vote: Mark Fahrenkamp, Daren Cottam, Ty Bringham, Paul Heideman, and Brad Langston, all Ayes. Motion to approve by ordinance (Ord.#2015.01) and subject to the surveyor's final review the annexation of property located North by Northeast of Anderson Junction comprised of both private and public land carried unanimously.

2. Item: possible motion regarding application for Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of a bed & breakfast business to two (2) rooms: Thomas B Harmon at 108 N Toquerville Blvd. Mayor asked Tom if he'd like to comment. Tom reported a successful year and remarked that his Bed & Breakfast provides taxes for the City and good public relations with visitors from all over the world. Mayor confirmed through Keen that this had been recommended by Planning Commission for approval. Mayor called for a motion.

Motion by Paul Heideman to approve application for Conditional Use Permit or expansion of current Conditional Use Permit for Expansion of the bed & breakfast business to two (2) rooms for Thomas B Harmon was second by Mark Fahrenkamp. Mayor asked for comments. Mark asked about the refund of the conditional Use application in this case. Mayor and Heath remarked on the time and expense that the fee covers. Heath opined that it was a new permit. Mayor asked for Council to give opinion if it was a new permit. Mark Fahrenkamp; yes, Daren Cottam; yes, Ty Bringham; yes, Paul Heideman; no, and Brad Langston; yes. Council agreed it is a new permit and requires the fee. Mayor called for vote on the motion: Mark Fahrenkamp, Daren Cottam, Ty Bringham, Paul Heideman, and Brad Langston, all Ayes. Motion to approve application for Conditional Use Permit for Expansion of a bed & breakfast business to two (2) rooms for Thomas B Harmon at 108 N Toquerville Blvd carried unanimously.

3. Item: possible motion to approve expenditure of funds hiring Bill Jackson to assist in the development of a Parks and Trails Master Plan. Ty has been communicating with Bill and asked for this to be tabled until next month to give Bill more time to work with Karl and get information to the Council. Bill also only wanted to work on the parks. Mark wanted to make sure that Bill assisted with trail grants. Mayor called for a motion.

Motion by Ty Bringham to table the approval of expenditure of funds hiring Bill Jackson to assist in the development of Parks and/or Trails Master Plan was second by Brad Langston. Mayor asked for comments. Hearing none, called for a vote: Mark Fahrenkamp, Daren Cottam, Ty Bringham, Paul Heideman, and Brad Langston, all Ayes. Motion to table the approval of expenditure of funds hiring Bill Jackson carried unanimously.

4. Item: possible motion regarding the addition of "Safety Committee" to the list of responsibilities and assignments for Council, and to assign a member of Council to oversee reports to the ULGT for the TAP program. Renee explained that TAP stands for Trust Accountability Program. It's run by the Utah Local Government Trust and creates a system whereby the municipalities may certify for safety instead of individuals working for them. In this way the municipality doesn't lose its certification when an employee leaves. The Safety Committee will send four monthly meeting minutes to the Trust wherein at least three safety incidents are reported to them. Employees or Committee members will attend training, and the City participates in the Trust's safety programs like Return to Work, Driver Qualification, etc. Ty volunteered to head that. Mayor called for a motion.

Motion by Mark Fahrenkamp to approve the addition of "Safety Committee" to the list of assignments for Council, and assigning Ty Bringham to oversee reports to the ULGT for the TAP program was second by Daren Cottam. Mayor asked for comments. Hearing none, called for a vote: Mark Fahrenkamp, Daren Cottam, Ty Bringham, Paul Heideman, and Brad Langston, all Ayes. Motion to approve the addition of "Safety Committee" to the list of assignments for Council, and assigning Ty Bringham carried unanimously.

E. REQUEST FOR AGENDA ITEMS: March, 2015, Council Meeting. 1) Discussion item to combine Tree Board with the Beautification Committee-Paul Heideman. 2) Discussion and action item regarding County recycling program and our involvement-Brad Langston.

F. CITY DEPARTMENTS AND COUNCIL REPORT TO THE CITY:

1. Streets/ MPO/ Risk Management/ Confluence Park/ Mosquito Abatement: A) Daren Cottam said the Mosquito Abatement meeting was today. Andrew Barnum who is/was a teacher is a member. Sean Amott from Virgin is the manager. B) The MPO approved \$120,000.00 for transportation studies. The \$3,500.00 grant we were approved for will come out of that study fund. Mayor asked Renee to remind him to fill out the paperwork for that grant with June. C) Bill Jackson's recommendations for trails impacts and for trails grants were helpful. Daren C would like to see him help with trails as well as parks. D) Confluence Park received approval for a kiosk. Hurricane City will also donate \$3,000.00 toward putting a kiosk at the head of their trail. He hoped that Toquerville would step up with in-kind labor to assist in park development. Water is being piped into the park. He wondered where we would plan our entrance into the park. Sunshine Lane was suggested.

2. Economic Development/ Emergency Preparedness/ Water Dept. Asst./ Safety Committee: Ty Bringham reported progress on discussions with Loren Lowe for the By Pass Road right of way. Loren sent us three options for that.

2-12-15 CC Minutes Continued

Blair Gubler addressed one more point to Council. Roosendaal did not designate an easement for the sewer as required for approval on their simple subdivision. Council responded that they would hold off signing the final plat until a new Mylar can be created that will show the easement and have a signature block for the Sewer District. Mayor asked Renee to call Lynn about it.

3. City Hall Maintenance/ Cemetery/ Solid Waste/ Fire District/Tree Board: A) Brad Langston stated that Solid Waste Department was proposing a recycling plan for our area. There are three options that must be decided soon if we want a choice of participation: 1 opt-out, there's a 90 day window that will be offered only once. 2 either include the entire County or include seven urban areas of which we are one. 3 automatic enrollment for the whole County. The opt-out plan would be about \$3.00 more monthly. The forced enrollment would be \$2.00. The recycling would be one can for paper, aluminum, and plastic, not glass. The Binnies would stay. Recycling is theorized to extend the life of the landfill. Manning Butterfield opined that we already fill up the bins more than the County can service and felt it wouldn't increase participation. Brad asked Renee to put up a flyer on the Kiosks to inform the public and get opinions. Brad will prepare the verbiage. B) The Fire District has been petitioned by Rockville and Springdale Fire District to join our District. Hurricane City is in the process of joining. The Fire District is upgrading LaVerkin, and they're putting two trucks here, a brush truck and an ambulance. They're planning new stations in Hurricane and Coral Canyon. C) The Tree Board will propose and plan a budget to the City Council in May.

4. Subdivisions/ Water Dept./ Park Maintenance: Mark Fahrenkamp showed us the Trail Ridge Estates development agreement. He remarked that it was very non-committal for phase 3. It mentions a covered pavilion and the second half of a basketball court but no restrooms. He felt that we need to look at this as we're doing our park planning.

5. Culture & Recreation/ Sewer District: Paul Heideman A) The Beautification committee had cleaned up Mark Weaver's property a little and now he's passed away and his brother Randall has filled the dumpster seven times already. Bruce Jones is probably going to purchase it. Lance interjected that Randall felt the home needed to be torn down. B) The Sewer District will be posting a job opening for a new superintendent. Mark F asked if we could send a letter to Jeff Jones to clean up his property. Renee and Lance informed him that a letter was sent this month.

6. Attorney's Report: Heath Snow reported that Greg Graff had paid all fees and is current other than the \$560.00 that will be attached to the next payment. We've dismissed everything and called it current. B) Sterling Codifiers is finishing up and going into print. We'll have our eight binders and the link on the website. Renee mentioned that Layne is in the process of updating the website and she asked Council for direction on the Billboard, if we want to use them this year. The cost of creating a sign is \$500.00 and the installation is another \$500.00 per side. We have two sides for one month per year without fee. They will not allow us to sell the use of our time.

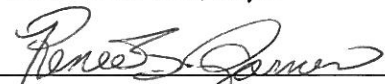
7. A) Mayor M. Darrin LeFevre said the Community of Governments (COG) is going through our right of way for acquisitions. B) He showed Council a simple design for improving the Council's table. Kent Hustead had said the City could have the wood taken from the attic of the old home he refurbished to use for fascia.

ADJOURNMENT: Mayor called for a Motion to Adjourn.

Motion by Brad Langston to adjourn the Public Meeting was second by Ty Bringhurst. Mayor asked for a vote: Mark Fahrenkamp, Ty Bringhurst, Paul Heideman, Brad Langston, and Daren Cottam, all Ayes. Mayor stated the motion passed unanimously. Mayor adjourned the Toquerville City Council Meeting.

Minutes of the 2-12-15 Toquerville City Council Meeting will be presented for review and approval at the March, 2015 City Council Mtg.

Approved:  Date: 3-12-15
M. Darrin LeFevre, Mayor

Attested: 
Renee S. Garner, City Recorder

